

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC., et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et
al.,

Defendants.

Case No. [16-cv-00236-WHO](#)

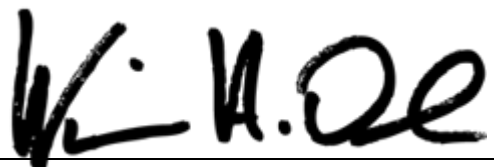
**ORDER REGARDING SECOND PRE-
TRIAL CONFERENCE**

At the Pre-Trial Conference on September 23, 2019, among the matters we will discuss are any objections to the Juror Questionnaire, two limiting instructions, and the Calendar for the Jury, each of which is attached to this Order. We will also discuss the Proposed Preliminary Instructions (filed separately in the docket), and the Timeline prepared by plaintiffs (Dkt. No. 764-5), which I intend to provide to the jury as drafted but with the heading "Timeline" and the deletion of the last entry (date of filing the lawsuit).

No later than September 20, 2019 at 4:00 p.m., the parties shall file and email a copy in Word to WHOp@cant.uscourts.gov a list of the law firms and attorneys representing the parties in this case, the parties to the case, the organizations involved in this case, and persons who are potential witnesses in this case. That list will be provided to prospective jurors as contemplated by the Juror Questionnaire.

IT IS SO ORDERED.

Dated: September 18, 2019



William H. Orrick
United States District Judge

Juror No. _____

Planned Parenthood Federation of America et al. v. Center for Medical Progress et al.

Juror Questionnaire

Instructions

Please complete the following questionnaire to assist the Court and counsel in selecting a jury to serve in the case of *Planned Parenthood Federation of America et al. v. Center for Medical Progress et al.* The purpose of these questions is not to ask unnecessarily about personal matters. It is simply to determine whether a prospective juror can decide the case fairly and impartially. This questionnaire will not be made public.

Please do not discuss the questionnaire or your answers with anyone. It is very important that the answers be yours and yours alone. Remember that there are no “right” or “wrong” answers; only truthful answers. Because this questionnaire is part of the jury selection process, it is to be answered under oath. You are sworn to give true and complete answers to all questions in this questionnaire.

You are instructed not to email, text, tweet, post or blog or otherwise communicate about this case or any of the issues, parties, witnesses or attorneys involved in the case. You are instructed not to seek out, read or conduct any research about the parties or subject matter involved in the case. Specifically, you must not do any research using any internet search engines such as Yahoo or Google, any message boards, chat rooms, blogs, and social media. Do not read any articles in the newspaper or online and do not listen to any news reports on the radio or on television about this case, the parties or subject matter involved.

Please print your answers and use ink to ensure legibility. Please write your assigned juror number on the first and second pages. Do not write on the back of any page. If you require additional space for any of your answers or wish to make further comments, please use the explanation sheets attached at the end of this questionnaire.

After completing the Juror Questionnaire, please date and sign it on the lines below. Then return the completed Juror Questionnaire to the Jury Clerk. You are directed to return to the Jury Office on October 2, 2019 at 8:30 a.m. Thank you for your cooperation.

I, (insert name) _____, declare under penalty of perjury that the answers set forth in the above Jury Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others or received assistance in completing the questionnaire.

Dated: _____

Signature

Name: _____ Juror Number: _____

City where you live: _____ Age: _____ Gender: _____

Do you rent or own your residence? () Own () Rent () Neither (live with family)

How long have you been at this residence? _____

Place of birth: _____

1. What is your marital status?

- () Single and never married () Married for _____ years () Separated
 () Divorced, not remarried () Divorced, now remarried
 () Widowed, not remarried () Widowed, now remarried
 () Single but living with non-marital partner for _____ years

2. What is the highest level of education you have completed?

- () Grammar school () Junior high () Some high school () High school diploma

() Trade or technical school Subject studied: _____

() Some college Major/Degree: _____ School attended: _____

() 2-year College degree Major: _____ School attended: _____

() 4-year College degree Major: _____ School attended: _____

() Graduate school Major/Degree: _____ School attended: _____

If you plan to attend or are currently attending school, please describe:

If you have taken any courses or had any training in law or a related subject, please describe:

3. Is English your first or native language? () Yes () No

If no, what language is your first or native language? _____

4. What is your current job status?

- () Working full-time () Working part-time () Retired () Disabled, not working
 () Unemployed () Homemaker () Student

How long has this been your job status? _____

5. What is your current or most recent occupation? (If you are currently not working, describe your previous or your most recent job):

Employer: _____

How long have you worked for your current employer? _____

Job title: _____

What are your specific duties and responsibilities on the job:

6. Does your job involve supervising other people? () Yes () No

If yes, approximately how many do you supervise? _____

7. What other employment have you had over your working life?

8. If married, or living with another adult, please state your relationship to that person and describe that person's job. (If they are retired, a homemaker who does not work outside the home, unemployed, disabled, or a student, please state so, and describe their previous occupation or most recent job)

Employer:_____

Job title:_____

Please describe their job duties:_____

How long have they had (or did they have) this job?_____ years

9. Do you have any children? () Yes () No

IF YES, please indicate age, education and occupation of your children.

AGE

EDUCATION

OCCUPATION

10. Please list any civic, social, religious, professional, union, fraternal, political, or recreational organizations, clubs, societies, associations, or groups that you have belonged to within the last 5 years.

11. Do or did you hold a leadership position in any of the groups or organizations you belong(ed) to?

() Yes () No IF YES, what?_____

12. Do you do any regular volunteer work for a charity, community, religious or other organizations?

() Yes () No

IF YES, please describe_____

13. How important is religion or faith in your daily life?

() Very important

() Not very important

() Somewhat important

() Not important at all

14. Have you ever previously served on a jury? () Yes () No

IF YES, how many were criminal trials? _____

How many were civil trials? _____

How many were grand juries? _____

IF YES, did you serve as a foreperson? () Yes () No

Did the jury reach a verdict in the case(s)? () Yes () No

Please explain how you felt about your prior jury experience:

15. Is there anything about your prior jury service that make you concerned about serving as a juror in this case? () Yes () No

If yes, please explain: _____

16. Please answer whether you, an immediate family member or close friend has work experience, training or specialized knowledge in any of the below:

Experience, Training or Knowledge			If yes, please explain
a.	Law	<input type="checkbox"/> Yes <input type="checkbox"/> No	
b.	Medicine or Health Care	<input type="checkbox"/> Yes <input type="checkbox"/> No	
c.	Biomedical research	<input type="checkbox"/> Yes <input type="checkbox"/> No	
d.	Video editing	<input type="checkbox"/> Yes <input type="checkbox"/> No	
e.	Journalism	<input type="checkbox"/> Yes <input type="checkbox"/> No	
f.	Finance/Economics	<input type="checkbox"/> Yes <input type="checkbox"/> No	

17. Have you ever had to appear in any court proceeding as a plaintiff, defendant, or witness for any reason?

☐ Yes, Plaintiff ☐ Yes, Defendant ☐ Yes, Witness ☐ No

If yes, please state when and explain why you appeared in court:

18. If you have relatives or close personal friends who are judges, attorneys or court personnel, what are their names and relationship to you?

19. Have you ever signed a confidentiality or non-disclosure agreement? ☐ Yes ☐ No

IF YES, please explain: _____

20. What is your overall opinion, if any, of Planned Parenthood?

☐ Strong Positive ☐ Strong Negative
☐ Positive ☐ Negative
☐ Neutral ☐ No opinion

21. What is your overall opinion, if any, of Center for Medical Progress?

☐ Strong Positive ☐ Strong Negative
☐ Positive ☐ Negative
☐ Neutral ☐ No opinion

22. Have you, a family member or close friend ever donated to, volunteered with or otherwise supported Planned Parenthood?

☐ Yes, currently ☐ Yes, in the past ☐ No

23. Have you, a family member or close friend ever used the services of Planned Parenthood?

☐ Yes ☐ No

24. Have you, a family member or close friend ever had a negative experience with Planned Parenthood?

☐ Yes ☐ No

IF YES, please explain: _____

25. Have you, a family member or close friend ever signed a petition in opposition to Planned Parenthood? ☐ Yes ☐ No

IF YES, please explain: _____

26. Is there any reason you believe you could not be a fair and impartial juror in a dispute involving Planned Parenthood? ☐ Yes ☐ No

IF YES, please explain: _____

27. Have you, a family member or close friend ever donated to, volunteered with or otherwise supported The Center for Medical Progress?

☐ Yes, currently ☐ Yes, in the past ☐ No

28. Have you, a family member or close friend ever had a negative experience with the Center for Medical Progress?

☐ Yes ☐ No

IF YES, please explain: _____

29. Have you, a family member or close friend ever signed a petition in opposition to the Center for Medical Progress? ☐ Yes ☐ No

IF YES, please explain: _____

30. Is there any reason you believe you could not be a fair and impartial juror in a dispute involving the Center for Medical Progress? ☐ Yes ☐ No

IF YES, please explain: _____

31. Have you, a family member or close friend ever belonged to, donated to, volunteered with or otherwise supported any pro-life/anti-abortion groups, including but not limited to 40 Days of Life, American Life League, Bay Area Pro Life, Californians for Life, and Sanctity of Human Life Network?

☐ Yes, currently ☐ Yes, in the past ☐ No

IF YES, please explain: _____

32. Do you have strong feelings about right-to-life/pro-life/anti-abortion organizations or laws?

- ☐ Strong Positive ☐ Strong Negative
☐ Positive ☐ Negative
☐ Neutral

33. Is there any reason you believe you could not be a fair and impartial juror in a dispute involving right-to-life/anti-abortion organizations? ☐ Yes ☐ No

IF YES, please explain: _____

34. Do you have strong feelings about fetal tissue research?

- ☐ Strong Positive ☐ Strong Negative
☐ Positive ☐ Negative
☐ Neutral

Please explain: _____

How strongly do you agree or disagree with the following statements:

35. Having an abortion is morally wrong.

- ☐ Disagree strongly ☐ Disagree ☐ Neutral ☐ Agree ☐ Agree strongly

36. Abortion should be illegal in most cases.

- ☐ Disagree strongly ☐ Disagree ☐ Neutral ☐ Agree ☐ Agree strongly

37. This is a lawsuit in which Planned Parenthood alleges that the defendants made and distributed unauthorized recordings of Planned Parenthood personnel. Reports about this case have appeared in the news. Have you seen, heard or read anything about this case? (This includes not only anything you may have seen or read in the media, but also anything you might have heard from relatives, friends or coworkers.)

- ☐ Yes ☐ No

38. If your answer is yes, please tell us what you have heard about this case, and where you heard or read it.

39. Is there anything that you have heard about this case that you feel would make it hard for you to be an impartial juror in this case? ☐ Yes ☐ No

If yes, please explain: _____

40. Do you know any other person called for jury duty this week? () Yes () No

IF YES: Please describe who you know and the nature of the relationship:

41. How do you usually get your news? Check all that apply to you.

__Newspapers. Which papers? _____

__Radio (including talk radio). Which stations? _____

__Television. Which stations/hosts? _____

__Internet. Which sites? _____

__Podcasts. Which ones? _____

__Word of mouth. From whom? _____

42. Do you watch or listen to any political commentators? If yes, please list:

43. Have you regularly used any social networking sites such as Twitter, Facebook, or Instagram?

() Yes () No

If yes, please list which ones and describe how often you use them:

44. Do you maintain a website, a blog, a forum, a social media group or page, or a “subreddit”?

() Yes () No

If yes, please briefly describe your subject:

45. Do you ever post comments on any Internet forums or other websites?

() Yes () No

If yes, please describe how often, and what you usually comment on:

46. If you have a Facebook account have you ever posted, shared or liked anything supporting your views for or against abortion?

() Yes () No

47. If so, please state the nature of the posts.

48. If you have an Instagram account, have you ever posted any comments or photo(s) supporting your views for or against abortion?

() Yes () No

49. If so, please state the nature of the posting.

50. If you have a Twitter account, have you ever posted any comments or photo(s) supporting your views for or against abortion?

() Yes () No

51. If so, please state the nature of the posting.

52. Have you ever visited the website <https://www.centerformedicalprogress.org/>?

() Yes () No

53. If so, please state the nature of the content you viewed on this website.

54. Do you go on YouTube regularly?

() Yes () No

55. If so, what types of videos do you look up? Have you ever viewed any videos posted by the Center for Medical Progress? If so, please state the nature of those videos

56. What television programs do you watch regularly?

57. List any hobbies and special interests that you have:

58. Have you worked at or volunteered for/ on behalf of any facility that provides abortions?

59. Have you worked at or volunteered for/ on behalf of any facility that provides pre-natal care?

60. Would you be able to be fair to a party who refuse to answer a question based on their 5th amendment right against self-incrimination?

☐ Yes ☐ No

If you answered No, please explain your answer.

61. Do you have any ethical, religious, or political views or beliefs that may affect your service as a juror in this case? ☐ Yes ☐ No

If so, please describe: _____

62. If you are selected as a juror and hear this case, you will be required to deliberate with other jurors. This will require you to discuss the evidence and the law in this case with the other jurors. Do you anticipate that you will have difficulties engaging in such group discussions?

☐ Yes ☐ No

IF YES, explain why: _____

63. Is there any matter that you should call to the court's attention that may have a bearing on your qualifications to serve as a juror, or that may affect your ability to render an impartial verdict based solely on the evidence and the court's instructions on the law?

☐ Yes ☐ No

IF YES, please explain: _____

64. Attached is a list of law firms and attorneys representing the parties in this case, parties to the case, organizations involved in this case, and persons who are potential witnesses in this case. If you know, or think you know, any of the persons or persons in the organizations listed, please circle any name that is familiar to you.

If you circled any of these names, please state how that person or organization is familiar to you:

ADDITIONAL SHEET OF PAPER FOR LENGTHIER EXPLANATIONS

(Note the number of the question and then complete the answer using this paper).

PROPOSED LIMITING INSTRUCTIONS

Instruction Re: Newsworthiness

After the release of the videos, various media accounts were published regarding the videos and the allegations. The truth of any such media account is not an issue in this trial and should not be considered by you.

(to be given when this topic first arises—perhaps after openings)

Admission of Evidence Re: Plaintiffs’ Alleged Injuries That Are Not Compensable

Before the trial began, it was determined that some of plaintiffs’ alleged injuries from defendants’ conduct are not legally compensable. If you determine that plaintiffs are entitled to damages, you must only consider damages plaintiffs ask for related to specific, alleged injuries. You may not consider the other, non-compensable injuries when you consider the amount of damages to award. Evidence related to injuries that are non-compensable, however, is admissible as part of plaintiffs’ explanation of why they took remedial action.

(to be given when relevant evidence is introduced)

October 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3 Trial 8:00 – 1:00 pm	4 Trial 8:00 – 1:00pm	5
6	7 NO TRIAL	8 Trial 8:00 – 1:00 pm	9 Trial 8:00 – 1:00 pm	10 Trial 8:00 – 1:00 pm	11 Trial 8:00 – 1:00 pm	12
13	14 NO TRIAL	15 Trial 8:00 – 1:00 pm	16 Trial 8:00 – 1:00 pm	17 Trial 8:00 – 1:00 pm	18 Trial 8:00 – 1:00 pm	19
20	21 Trial 8:00 – 1:00 pm	22 Trial 8:00 – 1:00 pm	23 Trial 8:00 – 1:00 pm	24 NO TRIAL	25 NO TRIAL	26
27	28 NO TRIAL	29 NO TRIAL	30 NO TRIAL	31 Trial 8:00 – 1:00 pm	Trial 8:00 – 1:00 pm	

**TRIAL
CALENDAR**

PPFA v. CMP
16-cv-00236 WHO

November 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Trial 8:00 – 1:00 pm	2
3	4 Trial 8:00 – 1:00 pm	5 Trial 8:00 – 1:00 pm	6 Trial 8:00 – 1:00 pm	7 Trial 8:00 – 1:00 pm	8 Trial 8:00 – 1:00 pm	9
10 NO TRIAL	11	12 Trial 8:00 – 1:00 pm	13 Trial 8:00 – 1:00 pm	14 Trial 8:00 – 1:00 pm	15 Trial 8:00 – 1:00 pm	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**TRIAL
CALENDAR**

PPFA v. CMP
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